

### **REMARKS**

Claims 2, 4-17, 19, 20, 22-30, 32, 42, 44, 46-54, 56, 57, 59, 61 and 63-65 are pending in the present application. Claims 5, 15, 29 and 32 are currently amended. Support for these amendments can be found, for example, in paragraphs [0032], [0040], [0043], Figure 1 and throughout the specification and claims as originally filed. Reconsideration and allowance in view of the following amendments and remarks is requested.

#### ***Rejections under 35 U.S.C. § 112***

In the Office Action, claims 2, 4-17, 19, 20, 22-30, 32, 42, 44, 46-54, 56, 57, 59, 61 and 63-65 are rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. The Office Action states that the specification "lacks antecedent basis for 'the body including no more than two opposing panels'" but does support a "body having two opposing panels." OA at 2. Accordingly, Applicants have amended claims 5 and 15 to read "the body including two opposing panels," claim 29 to read "the body including two plastic sheets" and claim 32 to read "a plastic tube made up of two opposing portions." Therefore, Applicants submit that claims 5, 15, 29 and 32 comply with the written description requirement.

Because claims 4, 16, 17, 42, 46-54 and 59 depend from claim 5, claims 2, 6-14, 44, 56, 57 and 61 depend from claim 15, claims 19, 20, 22-28, 30, and 63 depend from claim 29, and claims 64-65 depend from claim 32, said claims also comply with the written description for at least the same reasons set forth above.

Accordingly, Applicants respectfully request the above rejections be withdrawn.

***Rejections under 35 U.S.C. § 103(a)***

In the Office Action, claims 2, 4, 5, 8-17, 19, 20, 24-30, 32, 42, 44, 48-54, 56, 57, 59, 61 and 63-65 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,593,229 to Warr ("Warr") in view of U.S. Patent No. 4,610,029 to Huhtala et al. ("Huhtala") and U.S. Patent No. Des. 327,217 to Wallace ("Wallace"). Applicants respectfully disagree.

With respect to claim 5, the cited references do not teach "a first handle" that is formed in "a first flap formed from first portions of the opposing panels" and "wherein the opposing panels, stacks of panels, or both are sealed to each other by a distal seal coextensive with the surface area distal to the non-resealable first seam." as claimed. First, Warr does not teach "a first handle" that is formed from the first portions of the opposing panels" because the Office Action states that "Warr does not show the handle formed from a flap formed from portions of the opposing panels." OA at 3.

Second, the Office Action asserts that Huhtala "shows that it is known in the art to form a handle from opposing panels (Fig. 3d) or from a flap formed from portions of opposing panels in an analogous bag (Fig 5)." OA at 3. However, the flap formed in amended claim 5 includes a "stack of panels formed from the first portions of the opposing panels...the stack of panels includes a double stack of panels formed from the first portions of the opposing panels folded over along a fold line transverse to the longitudinal direction," and wherein the "opposing panels, stacks of panels, or both are sealed to each other by a distal seal coextensive with the surface area distal to the non-resealable first seam." The "distal seal" found in claim 5 prevents panel or "sheet

material in [the] flap from being pulled apart." Specification at ¶ [0032]. Huhtala does not disclose the "distal seal" as recited in claim 5. To the contrary, Huhtala states that the fold, represented by F in Fig 3d, "is formed only after the seam has been formed, such that there is no other heat sealing interconnection between the various plies, courses, or portions above the seam." Huhtala at 5:17-21. Thus, Huhtala teaches away from the recited claim limitations. Therefore, Warr in combination with Huhtala does not disclose the claimed limitation and one skilled in the art would not be motivated to modify the combination of Warr and Huhtala as claimed.

Third, the Office Action states that "Warr does not show the opposite end of the bag including a handle and tear seam," but that "Wallace teaches that it is known in the art of bags to provide a mirror image of one end of a bag at the bag's opposing end (Fig. 7)." However, because neither Warr nor Wallace teach the "distal seal," of claim 5, discussed above, reference to Wallace does not satisfy the deficiencies of Warr alone or in combination with Huhtala.

With respect to claim 15, the cited references do not teach "a first handle" that is formed in "a first flap formed from first portions of the opposing panels" and "wherein the opposing panels, stacks of panels, or both are sealed to each other by a distal seal coextensive with the surface area distal to the non-resealable first seam" as claimed for the same reasons discussed above for claim 5.

With respect to claim 29, the cited references do not teach "a first handle" that is formed in "a first flap formed from first portions of the plastic sheets" and "wherein the plastic sheets, stacks of panels, or both are sealed to each other by a distal seal coextensive with the surface area distal to the non-resealable first seam" as claimed for

the same reasons discussed above for claim 5.

With respect to claim 32, the cited references do not teach "a first handle" or "a second handle" that is formed in a "flap formed from...portions of the opposing tube portions" and "wherein the opposing tube portions, stacks of panels, or both are sealed to each other by a distal seal coextensive with the surface area distal to the non-resealable first seam" as claimed for the same reasons discussed above for claim 5.

Because claims 4, 16, 17, 42, 48-54 and 59 depend from claim 5, claims 2, 8-14, 44, 56-57 and 61 depend from claim 15, claims 19, 20, 24-28, 30, and 63 depend from claim 29, and claims 64-65 depend from claim 32, said claims are patentable over Warr in view of Huhtala and in view of Wallace for at least the same reasons set forth above.

In the Office Action, claims 2, 4-10, 13-15, 19, 20, 22-25, 27-29, 32, 42, 44, 46-50, 53, 54, 59, 61 and 63-65 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Warr in view of Huhtala and in view of U.S. Patent No. 5,782,562 to Anspacher ("Anspacher"). Applicant respectfully disagrees.

Claim 5 is not obvious over Warr and Huhtala for the same reasons discussed above. The Office Action additionally states that "Warr and Huhtala et al. disclose the claimed invention...except for a rigid plastic handle on the end of the bag opposing the bag end with the integral handle," and that "Anspacher teaches that it is known in the art of bags to provide a rigid plastic handle on a bag end that is opposite the bag end that includes an integral handle." OA at 4-5. However, because neither Warr nor Anspacher teach the "distal seal," of claim 5, discussed above, reference to Anspacher does not satisfy the deficiencies of Warr alone or in combination with Huhtala.

With respect to claim 15, the cited references do not teach "a first handle" that is

formed in "a first flap formed from first portions of the opposing panels" and "wherein the opposing panels, stacks of panels, or both are sealed to each other by a distal seal coextensive with the surface area distal to the non-resealable first seam" as claimed for the same reasons discussed above for claim 5.

With respect to claim 29, the cited references do not teach "a first handle" that is formed in "a first flap formed from first portions of the plastic sheets" and "wherein the plastic sheets, stacks of panels, or both are sealed to each other by a distal seal coextensive with the surface area distal to the non-resealable first seam" as claimed for the same reasons discussed above for claim 5.

With respect to claim 32, the cited references do not teach "a first handle" or "a second handle" that is formed in a "flap formed from...portions of the opposing tube portions" and "wherein the opposing tube portions, stacks of panels, or both are sealed to each other by a distal seal coextensive with the surface area distal to the non-resealable first seam" as claimed for the same reasons discussed above for claim 5.

Because claims 4, 42, 46-50, 53, 54 and 59 depend from claim 5, claims 2, 6-10, 13, 14, 44 and 61 depend from claim 15, claims 19, 20, 22-25, 27, 28 and 63 depend from claim 29, and claims 64-65 depend from claim 32, said claims are patentable over Warr in view of Huhtala and Anspacher for at least the same reasons set forth above.

Accordingly, Applicants respectfully request the above rejections be withdrawn.

**CONCLUSION**

In view of the foregoing, it is submitted that the claims are in condition for allowance. A Notice of Allowance is requested. If the Examiner has any questions or believes a telephone conference would expedite prosecution of this application, the Examiner is encouraged to contact the undersigned at 310-788-9900.

Respectfully submitted,

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